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NOTICE OF ALLOWANCE AND FEE(S) DUE

81165

7590

08/20/2009

HARMAN - BRINKS HOFER INDY

Brinks Hofer Gilson & Lione
CAPITAL CENTER, SUITE 1100
201 NORTH ILLINOIS STREET
Indianapolis, IN 46204-4220

EXAMINER

CHAWAN, SHEELA C

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 08/20/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,252	11/21/2005	Mark Strassenburg-Kleciak	1133 G849X(P03002US)	2927

TITLE OF INVENTION: SYSTEM FOR GENERATING THREE-DIMENSIONAL ELECTRONIC MODELS OF OBJECTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/20/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

81165 7590 08/20/2009

HARMAN - BRINKS HOFER INDY
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 201 NORTH ILLINOIS STREET
 Indianapolis, IN 46204-4220

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,252	11/21/2005	Mark Strassenburg-Kleciak	11336/849(P03002US)	2927

TITLE OF INVENTION: SYSTEM FOR GENERATING THREE-DIMENSIONAL ELECTRONIC MODELS OF OBJECTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/20/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHAWAN, SHEELA C	2624	382-154000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,252

11/21/2005

Marek Strassenburg-Kleciak

11336/8-49(P03002US)

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 570 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 570 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/519,252

Examiner

SHEELA C. CHAWAN

Applicant(s)

STRASSENBURG-KLECIK ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/8/09.
2. ☒ The allowed claim(s) is/are 1-24, 29-58 and 60-63.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/S. C. C./
Primary Examiner, Art Unit 2624

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 1/21/09; 1/18/08; 1/25/08; 12/22/04; 11/21/05; 5/7/08; 7/23/07.

DETAILED ACTION

Response to Amendment

- 1 Applicant's amendment filed on 6/8/09 has been entered.

Claims 25-28 and 59 are canceled.

Claims 1-24, 29-58 and 60- 63, are pending in the application.

Response to Arguments

2. Applicant's arguments filed on 6/8/09 have been fully considered and are persuasive see remarks on page 19- 22, with respect to claims, 53-58 the rejection under 101 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn and 1-24, 29-58 and 60- 63, are now allowed.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 1/21/09; 1/18/08; 1/25/08; 12/22/04; 11/21/05; 5/7/08. Applicant should know that there is no IDS filed on 8/23/07, but there is one filed on 7/23/07, the information disclosure statement is being considered by the examine.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Claims 1-24, 29-58 and 60- 63, are allowed and renumbered as 1-58.

Applicant's arguments see page 19-22, of the remarks filed on 5/26/09. The closest prior art Kacyra, on the other hand, describes a scanner operable to scan an object, but does not teach, suggest or disclose that the scanner is operable to provide scanner

position data indicative of a geographic position of the scanner. Kacyra, the origin point described by Kacyra is merely used to determine the distance between the scanner and an object being scanned to properly place a point representative of a part of the object in a point cloud. Clearly, a distance between an object and a scanner does not provide a geographic location since any number of geographic locations can be at the same distance from an object. Accordingly, the origin point as described by Kacyra is not scanner position data that includes a geographic position, slope and orientation of a scanner, as commonly included in independent 1, the prior art of record fails to teach either singularly or in combination, fails to anticipate or render the above limitations obvious .

Regarding claim 9, Kacyra does not teach or suggest a position system operable to provide position data ... for each of a plurality of geographic positions as described in Claim 9. Instead, Kacyra simply describes distance information, as previously discussed. In addition to the previously discussed reasons, Kacyra also does not teach, suggest or disclose a position system operable to provide geographic position data of a point scanner and a color scanner as commonly included in independent 9, the prior art of record fails to teach either singularly or in combination, fails to anticipate or render the above limitations obvious .

Regarding claim 18, Kacyra, on the other hand does not teach, suggest or disclose a means for scanning that is operable to determine position data, nor a computing system that associates the position data with corresponding image data. Even if one assumes for purposes of discussion that Kacyra does associate position

data with corresponding image data, which is clearly not the case, Kacyra does not teach, suggest or disclose dynamically fitting together the image data from each of the geographic locations based on the position data as commonly included in independent 18, the prior art of record fails to teach either singularly or in combination, fails to anticipate or render the above limitations obvious.

Regarding claim 29, Kacyra fails to teach, suggest or disclose instructions in a memory device to associate position data indicative of a geographic location with the image data captured from the perspective of that geographic location as commonly included in independent 29, the prior art of record fails to teach either singularly or in combination, fails to anticipate or render the above limitations obvious.

Regarding claim 36, Kacyra, on the other hand, fails to teach or suggest the collection of image data and corresponding geographic position data of the scanner as provided in Claim 36. In addition, Kacyra fails to teach, suggest or disclose that a plurality of three-dimensional electronic images are combined as a function of the geographic position data as commonly included in independent 36, the prior art of record fails to teach either singularly or in combination, fails to anticipate or render the above limitations obvious .

Regarding claim 45, Kacyra does not teach suggest or disclose conversion of geometric points and color points into lines representative of respective Sub-images as commonly included in independent 45, the prior art of record fails to teach either singularly or in combination, fails to anticipate or render the above limitations obvious .

Regarding claim 53, Kacyra does not teach suggest or disclose combining scans

to form a three-dimensional electronic model of an object as a function of position data indicative of the position from which each scan was captured. Kacyra does not teach, suggest or disclose texturizing a three-dimensional model with a source texture that is an image identified with a unique identifier and stored in a texture library as provided in Claim 53. In fact, Kacyra teaches that the texture is captured in a video image during scanning and precisely registered based on the geometric points obtained during a scan. Accordingly, Kacyra does not teach, suggest or disclose the use of a library or the use of a source texture identified with a unique identifier and stored in a library as commonly included in independent 53, the prior art of record fails to teach either singularly or in combination, fails to anticipate or render the above limitations obvious .

5. Any comments considered necessary by applicant must be submitted on later than the payment of the issue fee and to avoid processing delays should preferably accompany the issue fee. Such submissions should be clearly labeled, comments on statement of reasons for allowance.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEELA CHAWAN whose telephone number is (571)272-7446. The examiner can normally be reached on 7.30- 5.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikram Bali can be reached on 571-272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sheela Chawan/

8/13/09

Primary Examiner, Art Unit 2624

